

COURT OF CRIMINAL APPEALS NO. _____

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

CIRCUIT COURT NO. CC 99-327

CIRCUIT JUDGE SALLY GREENHAW

Type of Conviction / Order Appealed From: STALKING

Sentence Imposed: 20 years

Defendant Indigent: ☒ YES ☐ NO

John Willie Minnifield

NAME OF APPELLANT

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(Address)
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(City)

(State)

(Zip Code)

V.

STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

1 A. He came towards my mom, and he put his
2 hand around her neck and put her against the wall.
3 And I jumped in between them two.

4 Q. Okay. Did anything happen to you during
5 this?

6 A. No, sir.

7 Q. Okay. Did he have anything with him?

8 A. Yes, sir.

9 Q. What?

10 A. Kind of looked like a hatchet and a
11 hammer.

12 Q. And was he doing anything with that
13 object?

14 A. He raised it at us like he was going to
15 hit us.

16 Q. What happened from that point?

17 A. Somehow we got separated. My sister, she
18 went in the kitchen to get a hammer. And he seen
19 her with the hammer, so he slapped her, and she
20 fell against the wall.

21 Q. Did you see him do that?

22 A. Yes, sir.

23 Q. And then what happened?

24 A. I went into the bathroom, and I closed
25 the door. And I heard some glass break, and then

1 somebody knocked on the door. I opened the door,
2 and it was him. He raised the hatchet at me, and I
3 told him not to hit me. And he just looked at me
4 for a second, and he said, I love you. I'm not
5 going to hit you. I'm going to let you go.

6 Q. That's what he told you?

7 A. (Witness nods.)

8 Q. And did he let you go?

9 A. Yes, sir.

10 Q. And this occurred at your residence,
11 correct, you and your mother's residence?

12 A. Yes, sir.

13 Q. Who all was living there at the time?

14 A. Just me, my mom, and my sister.

15 Q. Do you recall when you and your mom and
16 your sister moved out of the home in which you
17 lived with John -- you used to live with John and
18 your mother in the same house, correct?

19 A. Yes, sir.

20 Q. Okay. Do you recall when y'all moved out
21 of that house?

22 A. No, sir.

23 Q. I'm sorry?

24 A. Could you ask me that again?

25 Q. Do you remember when y'all moved out of

1 the house that you were living in with John?

2 A. It was in October.

3 Q. That's okay. I don't think I have any
4 further questions.

5 CROSS-EXAMINATION

6 BY MR. MINNIFIELD:

7 Q. Hello, Ashley. I just want to ask you a
8 few questions. Okay?

9 A. Okay.

10 Q. I want you to tell the truth. Have I
11 ever -- have you ever seen me hit your mother?

12 A. No.

13 Q. Have I ever hit you?

14 A. No.

15 Q. Do I threaten you all?

16 A. Yes.

17 Q. In what way do I threaten you? When you
18 all stayed with me, what way did I threaten you?

19 A. You threaten my mama and told her you
20 were going to kill her.

21 Q. That's when you all were staying with me?

22 A. When we were getting ready to leave.

23 Q. When you were getting ready to leave.

24 Did I tell her to leave or did I tell her I was

25 putting her out, to get out of my life or something

1 like that, or did I -- did I ask her, you know, not
2 to leave?

3 A. You told us that we had to get out. And
4 you told us we can't use the car. We had to walk.

5 Q. Yes. I remember that. Because the car
6 was tore up.

7 MR. BAILEY: Your Honor, I'm going
8 to object.

9 THE COURT: Just ask the questions.

10 Q. Ashley, since y'all have been staying
11 over there -- or staying at Brookview at the
12 time -- as a matter of fact, in October, that's
13 when they had kids for cop day, right? Do you
14 remember that?

15 A. Yes, sir.

16 Q. Do you remember that I came over?

17 A. Yes, sir.

18 Q. Did I get permission from your mom to
19 carry all you all to kids for cop day?

20 A. Yes.

21 Q. And did your mom go?

22 A. I don't remember.

23 Q. Okay. Now, on the -- you said on the day
24 I kicked the door in -- the night rather -- I want
25 to ask you this here. Your mom was -- was she

1 frightened or something because you all didn't have
2 a telephone?

3 A. Yes.

4 Q. And what was the occasion that you all
5 got the telephone?

6 A. When you bought it.

7 Q. I beg your pardon?

8 A. When you bought the phone.

9 Q. Yes. Can you tell how long before this
10 incident happened when I bought the phone?

11 A. No.

12 Q. Like a week or two weeks or whatever? I
13 know different little things, you don't think back
14 that far. And that phone was for what? Can you
15 remember that? By me purchasing the phone, what
16 was it for?

17 A. No.

18 Q. Okay. Would it be for to protect you all
19 down there so you could call the police if someone
20 came there? Do you remember that?

21 A. No.

22 Q. Okay. But at no point, I understand, did
23 I hurt you by hitting you or whatever?

24 A. (Witness nods.)

25 Q. Only when you all did something wrong. I

1 never hit you all, did I?

2 A. No, sir.

3 Q. I would put you on punishment or would I
4 not?

5 A. Yes, you would.

6 Q. And was it extreme punishment?

7 A. Huh-uh.

8 Q. Okay. Ashley, then how about your
9 schooling? Did I stress to you --

10 MR. BAILEY: Your Honor, I'm going
11 to object.

12 THE COURT: I'm going to sustain the
13 objection. I don't see the relevancy of that.
14 Move on to the issues here.

15 Q. Okay. Are you afraid of me, Ashley?

16 A. I was. Not anymore.

17 Q. Beg your pardon?

18 A. I was. Not anymore.

19 Q. Do you believe I would do you any harm?

20 A. Yes.

21 Q. Your mother? Your sister?

22 A. (Witness nods.)

23 Q. And what would give you that idea?

24 A. Because you tried it before.

25 Q. I tried to hurt you before?

1 A. No.

2 Q. Okay. You've seen me, Ashley. I was out
3 on bail during July, right? Didn't you see me on
4 several occasions?

5 A. When?

6 Q. This summer -- this past summer?

7 A. Yes.

8 Q. Did I try to harm you or your mother or
9 your sister?

10 A. It was just me.

11 Q. Beg your pardon?

12 A. When I seen you, it was just me.

13 Q. You wasn't in the car when your mother
14 came over to Park Manner?

15 A. Oh, yes.

16 Q. Beg your pardon?

17 A. I was there then.

18 THE COURT: What did you say?

19 THE WITNESS: I said, I was there
20 then.

21 Q. Okay. And did I attempt to hurt your
22 mama or anything then?

23 A. No.

24 Q. Did I seem like I was angry?

25 A. No.

1 THE DEFENDANT: Thank you, Ashley.

2 MR. BAILEY: That's all.

3 THE COURT: Okay. You can step
4 down.

5 (Witness excused.)

6 THE COURT: Your next witness?
7 And raise your right hand?

8 DANA COOK

9 The witness, having first been duly sworn or
10 affirmed to speak the truth, the whole truth, and
11 nothing but the truth, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BAILEY:

14 Q. Would you please tell the ladies and
15 gentlemen of the jury your name?

16 A. Dana Cook.

17 Q. Dana, do you know Vonciel Minnifield?

18 A. Yes, sir.

19 Q. And how do you know her?

20 A. My mother.

21 Q. And you're aware that your mother has
22 reported to the police department and to the
23 district attorney's office stalking charges against
24 John Minnifield, correct?

25 A. Yes, sir.

1 Q. I want to direct your attention, Dana,
2 back to October of 1998. Did you, during that
3 month, witness an incident involving your mother
4 and John Minnifield?

5 A. Yes, sir.

6 Q. Can you tell the ladies and gentlemen of
7 the jury what you remember?

8 A. At first it was like nine o'clock that
9 night. My mom was in the kitchen cooking, and he
10 came and knocked on the door asking about a vacuum
11 cleaner. And she told him she wasn't going to open
12 the door. She was going to drop it off by his job
13 tomorrow because she wasn't going to open her door.
14 And so he left. And then he sent a girl around to
15 the house, and my mom didn't answer the door while
16 she was knocking on it.

17 Then he came back later on that night while we
18 were asleep around about, I'd say, about twelve.
19 And he was knocking on the door real hard or
20 whatever. And then he said he was going to come
21 through the window, but he hit the window real
22 hard. And then my little sister, she came in
23 there -- in the living room because we were in the
24 living room. But instead of him -- like, after he
25 hit the window, he came to the front door and

1 kicked the front door in.

2 Q. Okay. And when he kicked the front door
3 in, did he come into the residence?

4 A. Yes, sir.

5 Q. Did he have anything with him?

6 A. Yes, sir.

7 Q. What did he have?

8 A. I think it was, like, an ax or hatchet.

9 Q. Okay. Did you see that?

10 A. Yes, sir.

11 Q. Did -- what did he do next?

12 A. At first it was, like, he went towards my
13 mom. And my little sister, she jumped between them
14 so he wouldn't do nothing to my mom. And I jumped
15 between him and my sister so he wouldn't do nothing
16 to my mom and my sister. And somehow we got a
17 loose, and then he had slapped me. And then, like,
18 my mom --

19 Q. How -- I'm sorry to stop you. But how
20 did he slap you?

21 A. He just raised his hand and just slapped
22 me real hard.

23 Q. Where?

24 A. In my face -- on the right side of my
25 face. And then, like, my mom told me and my sister

1 to move -- get out of the house or whatever. And
2 my sister ran in the room and went in the bathroom,
3 and him and my mom were in the room tussling. And
4 I was going in the room. As I went in the room, I
5 seen my mom go out the window. And I tried to go
6 get my sister out of the bathroom, then -- but I
7 seen him going towards me, so I ran and jumped out
8 the window. And when I looked up, he was going by
9 the bathroom door, and my little sister was in the
10 bathroom. And he knocked on the door, and my
11 sister thought it was me or my mom, so she opened
12 the door. And he answered --

13 THE COURT: Wait just a minute. We
14 need more question and answer.

15 Q. You say he opened the door to the
16 bathroom?

17 A. My sister opened the door because he
18 knocked on it, and my sister thought it was me or
19 my mom.

20 THE COURT: Well, you can't say what
21 your sister thought, but she opened the door. Go
22 ahead.

23 Q. And he was standing on the outside of the
24 bathroom?

25 A. Yes, sir.

1 Q. And what happened at that point?

2 A. I seen the hatchet in his hand. And then
3 it was, like, he raised it up, and then he put it
4 down, and he told my sister that he wasn't going to
5 hurt her. So me and my mom had called her on out
6 the house, and she came through the window. And
7 then he went back through the living room, like, by
8 the dining area and came through the living room
9 out the front door. And my mom's neighbor called
10 us, me and my sister, to her apartment. And he
11 chased my mom around the complex while my mom --
12 neighbor was out there on the cell phone calling
13 the police.

14 Q. And you saw all of this happen?

15 A. Yes, sir.

16 Q. Okay. And where -- this was at your
17 apartment over in Brookview?

18 A. Yes, sir.

19 Q. Okay. Have -- Dana, have you ever had
20 to -- have you ever witnessed any other incidents
21 between Mr. Minnifield and your mother -- and I'm
22 talking about physical incidents -- where they got
23 into any type of fight?

24 A. Like any time before that?

25 Q. Right. Before this incident.

1 A. No, not like that. But I remember a long
2 time ago, they had, like, a little misunderstanding
3 or whatever, and I remember he pushed her.

4 Q. Did you see that happen?

5 A. I was standing in the living room door
6 when he did it, me and my brother was.

7 Q. Did you see him do that?

8 A. Yes, sir.

9 Q. Okay. And how did he do that?

10 A. It was like -- like, he pushed her, like
11 a shove or whatever because they was arguing. And
12 then me and my brother ran in our room, and we told
13 him not to touch our mother no more.

14 Q. Did anyone call the police on that
15 particular time?

16 A. I can't remember if we did or not.

17 Q. Okay. Has there ever been any other
18 time, Dana, that you had to call the police when
19 you witnessed an incident between you mother and
20 Mr. Minnifield?

21 A. Yes. There was -- in the kitchen they
22 was arguing about something. I forgot. And my
23 mom's co-worker was over that night and his son and
24 his son's wife and kids was down. And my aunt was
25 in there doing his grandchild's hair. And I

1 remember them fussing about something, and I looked
2 up from the kitchen table. They was running
3 towards each other, so I went and called the police
4 because I didn't know if they were going to fight
5 or what.

6 Q. Did anything happen?

7 A. No, sir.

8 Q. Did he say anything to you on that day?

9 A. He told me that I would be punished for
10 calling the police.

11 Q. Do you remember his exact words?

12 A. I can't remember.

13 Q. Okay. That's fine.

14 MR. BAILEY: That's all the
15 questions I have for you at this time.

16 CROSS-EXAMINATION

17 BY MR. MINNIFIELD:

18 Q. Hello, Dana.

19 A. Hey.

20 Q. Let me ask you a few questions. Always
21 stressed to you and asked you to tell the truth on
22 everything regardless of who it hurt?

23 A. Right.

24 Q. And to stand by your mother?

25 A. Right.

1 Q. Even against me? I want you to think
2 back to October when you all were living in
3 Brookview Apartments. You said your mom and I was
4 tussling after I came into the house, right?

5 A. Uh-huh.

6 Q. And she went through the window -- or how
7 did she go through the window?

8 A. She went through the window with her back
9 to the window. That's all I seen. When I seen her
10 go through the window, she was looking in my face
11 as she was going through the window.

12 Q. Was the window up or down?

13 A. The window was down, as I remember.

14 Q. And where was you standing in reference
15 to that?

16 A. I was running in the bedroom at the time.

17 Q. Dana, telling the truth about answer -- I
18 know you can think a lot better than Ashley can
19 because you're older, more mature. I want you to
20 think back hard, just set a pattern. I did kick
21 the door in. I never denied that.

22 THE COURT: Wait just a minute. You
23 need to -- I don't know what --

24 THE DEFENDANT: I'm fixing to ask
25 her this question.

1 THE COURT: Well, ask the question.

2 Q. But when I came in the house, Dana, who
3 did I cuss first? Who did I come up to first, you,
4 your mama, or Ashley or what?

5 A. My mom.

6 Q. And what did I do then?

7 A. At the time when you went up to her, you
8 tried to choke her until Ashley got between y'all.

9 Q. And what were you doing?

10 A. I was coming out of the kitchen. And I
11 ran in there, and I jumped between y'all so you
12 wouldn't do anything to hurt them.

13 Q. You were in the kitchen when I first came
14 in, right?

15 A. Not when you first came in. I was
16 sitting down. When you kicked the door open, I
17 jumped up and ran in the kitchen.

18 Q. Did you not run down to your auntie's
19 house during this confrontation or whatever?

20 A. I didn't run to my aunt's house.

21 Q. So you seen everything happen in there,
22 right?

23 A. Yes, sir.

24 Q. Well, Dana, how did you get cut?

25 A. How did I get cut? Like where, on my

1 knees and back?

2 Q. Yes.

3 A. Jumping through the window where you -- I
4 got a cut on the left side of my surgery mark and
5 my knees got cut up from landing in the grass, and
6 I got stitches in my hand.

7 Q. Did -- well, if you jumped through that
8 window, Dana, what happened? Were the window there
9 or what, the glass there?

10 A. The window was out, but it still had
11 pieces hanging from it, like, around the sides of
12 it.

13 Q. And why was all the pieces hanging down?

14 A. Like, from the wall where the window
15 starts, it was, like, some still --

16 Q. No. I'm talking about what reason.

17 A. What reason?

18 Q. Wasn't the window already broke?

19 A. It was already broken through her going
20 through the window first.

21 Q. And she didn't get cut?

22 A. I don't remember.

23 Q. I'm just asking.

24 A. I don't remember her getting cut. She
25 probably did, but I don't know if she did.

1 Q. Have any time have I given you any reason
2 to be afraid of me, Dana?

3 A. Well, I wouldn't say being afraid of you.
4 It was just that I was afraid of having my mom
5 being hurt. I mean, it's not that I was afraid of
6 you. It was just that I was afraid for my mom and
7 my sister. That was it.

8 Q. Was I always there with you all and your
9 sister? Never no harsh punishment, no beating, or
10 nothing like that?

11 A. I didn't understand the first part of the
12 question.

13 Q. Is it that there was never no harsh
14 punishment that I would put on y'all or no spanking
15 you or something like that, beating you or using
16 violence towards you all?

17 A. When you put us on punishment, like, you
18 would fuss at us or whatever or you would say that
19 you were going to, you know, whoop us or hit us or
20 whatever, but you never did. You just put us on
21 punishment.

22 Q. And would that punishment last the entire
23 time that I tell you it would?

24 A. No, it did not.

25 Q. Okay. Now, you supposedly called the

1 police once, right, where your mom was supposed to
2 be whooping me? Do you remember that?

3 A. I don't remember what went on because --
4 whatever was, like, going on between y'all, it was,
5 like, what basically happened, I was out at the
6 neighbor's car calling the police, so I couldn't
7 really tell you what went on.

8 Q. Have you ever seen me hit your mother?

9 A. You didn't hit her. I seen you shove her
10 when me and Jason was standing in the door of the
11 living room.

12 Q. That was way back, right?

13 A. That was way back, right.

14 Q. And you never seen any other
15 confrontation between your mother and I other than
16 what all families do, argument?

17 A. That's the only time.

18 Q. In those argument, did it get real
19 violent, you know, of or -- it don't have to be
20 physical where we're hitting each other or calling
21 each other different names like B and H and W and
22 stuff like that. Did we do that that you know of?

23 A. Yeah, I remember a lot of harsh words
24 being said.

25 Q. And what occasion was that?

1 A. It was, like, when y'all -- like, argue
2 over some things.

3 Q. For instance?

4 A. Like, say like, when y'all used to argue
5 about chicks -- fuss about chicks and stuff.

6 Q. Thank you, Dana.

7 THE COURT: Anything else for her?

8 MR. BAILEY: Just one question, Your
9 Honor.

10 REDIRECT EXAMINATION

11 BY MR. BAILEY:

12 Q. In response to what Mr. Minnifield had
13 asked you, you said that you had never witnessed
14 him hit your mother?

15 A. Uh-huh.

16 Q. But you have testified that you have seen
17 him push your mother and also choke your mother
18 back in October, correct?

19 A. Yes, sir.

20 Q. Okay.

21 MR. BAILEY: That's all the
22 questions I have.

23 THE COURT: You can step down, and
24 you're excused.

25 (Witness excused.)

1 THE COURT: We're going to break for
2 the day. We should finish up the evidentiary
3 portion in the morning, and then, hopefully, it
4 will go to the jury by late afternoon -- I mean, by
5 early afternoon. I'm going to caution you not to
6 discuss the case with anyone. And if you go home
7 and anybody asks about it, just tell them the Judge
8 said I can't talk about it. I'm going to release
9 you until nine o'clock in the morning because we
10 have some other matters we're going to do. And if
11 you'll report to the jury assembly room, we'll get
12 you at nine in the morning. Have a good night.

13 (Out of the presence of the jury.)

14 THE COURT: Mr. Bailey, now, what
15 about your witness situation?

16 MR. BAILEY: If I could check on her
17 right now, Your Honor?

18 THE COURT: Wait just a minute
19 before you do that.

20 MR. BAILEY: I was just going to ask
21 her if she's talked to her.

22 (Mr. Bailey talks to her.)

23 MR. BAILEY: I'm afraid she may have
24 been checked into the hospital, but we'll deal with
25 it somehow.

1 THE COURT: I -- we might just
2 briefly discuss jury charges because all I know to
3 do is go over elements of stalking. And there are
4 a couple of cases annotated over that, so I don't
5 know of anything else to give in this regard, but
6 certainly we can discuss that in more detail
7 tomorrow.

8 How many witnesses do you expect to call,
9 Mr. Minnifield?

10 THE DEFENDANT: It's going to be
11 about six, I think, left.

12 THE COURT: Okay. Well, you'll need
13 to be over by eight -- well, just bring him at
14 eight with everybody else, and that way we won't
15 have any more problem.

16 MR. HARTLEY: And, Judge, how many
17 more witnesses does the State expect to call?

18 MR. BAILEY: We have -- well, we,
19 hopefully, have two.

20 MR. HARTLEY: Well, if there's only
21 one or two, what's the length of those witnesses?
22 What do we need to anticipate in time?

23 MR. BAILEY: Well, if Detective
24 Williams is able to be here tomorrow, her testimony
25 is probably going to be about an hour. If the --

1 the other witness should be about five minutes.

2 THE COURT: Why would it take an
3 hour for her?

4 THE DEFENDANT: That's the length of
5 his statement.

6 THE COURT: Okay. It's regarding a
7 statement. I didn't know that's what it was
8 concerning. Okay.

9 MR. HARTLEY: Thank you, Judge.

10 (Break for the day.)

11 (In the presence of the jury.)

12 THE COURT: You don't have to go to
13 the same seat unless you want to. Good morning.

14 Before we start, and for the record, Linda
15 Livingston had made known to the Court yesterday
16 that her brother was having surgery this afternoon,
17 and I assured, through the clerk, that she could be
18 excused if we were not through by that time.

19 Apparently, her brother has gotten worse and she
20 needs to go immediately, and I've excused her for
21 the remainder of the trial. But we still have
22 sufficient numbers to go. Okay. Your next
23 witness?

24 MR. BAILEY: Your Honor, at this
25 time, State would call Nicholas Washington.

1 THE COURT: And raise your right
2 hand.

3 NICHOLAS WASHINGTON

4 The witness, having first been duly sworn or
5 affirmed to speak the truth, the whole truth, and
6 nothing but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BAILEY:

9 Q. Nicholas, I'm going to ask you if you
10 might could scoot up and speak into the microphone
11 so everyone can hear you.

12 A. (Witness complies.)

13 Q. Will you please tell the ladies and
14 gentlemen of the jury your name?

15 A. Nicholas Washington.

16 Q. And, Mr. Washington, how old are you?

17 A. 20.

18 Q. And do you live here in Montgomery?

19 A. Yes, I do.

20 Q. Okay. Do you work here in Montgomery?

21 A. Yes.

22 Q. And where are you employed, sir?

23 A. Montgomery Catering.

24 Q. Okay. And I'm going to get to the point
25 of this case and ask you if you know a person by

1 the name of Vonciel Minnifield?

2 A. Yes, I do.

3 Q. And how do you know her, sir?

4 A. I work with her.

5 Q. Okay. How long have you worked with
6 Mrs. Minnifield?

7 A. Say, close to two years.

8 Q. And how long have you been employed at
9 the RSA Plaza?

10 A. Two years.

11 Q. About two years. I want to direct your
12 attention back to around November the 23rd of 1998.
13 Did you have an opportunity on that day to come
14 into contact with a person by the name of
15 John Minnifield?

16 A. Yes.

17 Q. Okay. Can you tell the ladies and
18 gentlemen of the jury about that occasion?

19 A. Okay. This morning, I was taking out the
20 trash. And by the time I was opening up the door
21 to start putting the trash in, Mr. Minnifield
22 pulled up. And he asked me had I seen Von this
23 morning or recently, and I told him no. And so --
24 then he went on about -- well, he told me to tell
25 her that for her to watch her back, that the next

1 time he would see her, that she might not live to
2 see Thanksgiving or whatever, and that he was going
3 out of town or something and that she don't know
4 when he might return or she don't know where he's
5 going to be at any time. Just for her to watch her
6 back because he was going to kill her.

7 Q. And he told you that?

8 A. Yes.

9 Q. And he told you that she might not live
10 to see Thanksgiving?

11 A. Yes.

12 Q. Before this occasion on November the
13 23rd, 1998, had you ever come in contact with
14 Mr. Minnifield before? Had you seen him?

15 A. Yes. He used to come up to the job.

16 Q. So you knew who he was?

17 A. Sir?

18 Q. You knew who he was?

19 A. Yes.

20 Q. And he knew who you were?

21 A. Yes.

22 Q. The -- did he say anything else?

23 A. As I remember -- I remember him saying --
24 you know, I remember him saying he had a gun, but I
25 never seen it. But just by what he had already

1 told me about killing her --

2 THE DEFENDANT: Object.

3 THE COURT: Wait just a moment. You
4 don't need to speculate.

5 THE DEFENDANT: Object.

6 MR. BAILEY: Okay. That's fine.

7 THE COURT: Wait a minute. I'm
8 going to sustain the objection. You've answered
9 it. Your next question?

10 MR. BAILEY: That's fine.

11 Q. The -- I believe there has already been
12 testimony to this fact, but the RSA Plaza that
13 you're speaking of, is that located in Montgomery?

14 A. Yes, it is.

15 Q. And the person that you have referred to
16 as John Minnifield that told you these things that
17 you have testified about to the jury, is that
18 person in the courtroom today?

19 A. Yes, he is.

20 Q. And can you please point him out to the
21 ladies and gentlemen of the jury?

22 A. (Witness points at him.)

23 MR. BAILEY: And let the record
24 reflect that this witness has pointed to the
25 defendant, Mr. John Minnifield.

1 And that's all the questions I have at this
2 time.

3 CROSS-EXAMINATION

4 BY MR. MINNIFIELD:

5 Q. Mr. Washington, on that morning that you
6 say I came by up there, could you give us a time
7 frame on that?

8 A. No, I cannot.

9 Q. What time do you generally carry out your
10 trash?

11 A. Maybe before ten o'clock before I sit
12 down to eat.

13 Q. Before you sit down and eat?

14 A. Yes, sir.

15 Q. Is it not true that -- what time does
16 Vonciel generally get to work?

17 A. Excuse me?

18 Q. What time does Vonciel generally come to
19 work?

20 A. She usually comes 8:00 or 8:30.

21 Q. Could this have been before she came
22 or --

23 A. Yes.

24 Q. Before she --

25 A. Because she had never showed up.

1 Q. Okay. Is it not that John Minnifield
2 works at Montgomery Catering also?

3 A. You -- he -- on and off maybe work
4 parties upstairs, maybe the weeknight parties.

5 Q. But it's not unusual for me to come by,
6 right?

7 A. No.

8 Q. Okay. Where did you say I was parked at
9 that morning or where did you see me at?

10 A. On the South Ripley.

11 Q. Describe to the jury what street or
12 whatever.

13 A. Okay. The loading dock of Montgomery
14 Catering is on South Ripley, and the trash can is,
15 like, maybe five or ten feet from the street, so
16 it's a park area where the trucks come in. So he
17 pulled -- he didn't pull in, but he stopped right
18 along so when he gets ready to drive off, he just
19 keeps straight going so he won't have to turn
20 around or anything.

21 Q. Okay. Is it very unusual a person will
22 go around bragging about he has a gun?

23 A. Yes.

24 Q. Is that unusual to you? You also stated
25 I was going out of town, right?

1 A. Yes.

2 Q. But I was going to kill her before
3 Thanksgiving?

4 A. Yes.

5 Q. If I was going out of town, how would I
6 be able to be in town?

7 A. I can't answer that.

8 THE COURT: Wait just a moment. You
9 can't ask him about your conduct.

10 THE DEFENDANT: I'm sorry about
11 that.

12 Q. Okay. In your earlier statement, did you
13 not tell the detective that I was parked on
14 Washington Street?

15 A. No.

16 Q. You didn't tell her that?

17 A. No.

18 THE DEFENDANT: Your Honor, on Page
19 7, I would like to --

20 THE COURT: Wait just a moment.
21 That's not the proper way to do it. If you want to
22 get Mr. Hartley to go up and show him or direct him
23 to that?

24 MR. BAILEY: Mr. Hartley, if this
25 would help, you could have his statement. It's

1 three pages.

2 Q. Excuse me just a minute. Back that
3 statement up. That was in the police report.
4 Okay. You said that I was going -- I said I was
5 going out of town and I resurfaced. That's what
6 you said?

7 A. Yes.

8 Q. And when I resurfaced, I was going to do
9 what to her?

10 A. You didn't say. You just -- when you
11 resurfaced, she don't know where you might be or
12 when the next time you might run into her.

13 Q. Is that it?

14 A. Yes.

15 Q. Okay. Where did you -- where did it come
16 from that I was going to kill her?

17 A. (Witness nods.)

18 Q. How did that came about?

19 A. What do you mean? I don't understand the
20 question.

21 Q. You said in the statement that I said I
22 was going to kill her --

23 A. Right.

24 Q. -- the next time I see her?

25 A. Right. So you're asking me, how did that

1 come about?

2 Q. Yeah. How did that come about?

3 A. I don't -- I guess problems -- personal
4 problems you all having. I don't know. From -- I
5 don't know for what certain reason.

6 Q. I'm talking about me telling you.

7 A. Right.

8 Q. Okay.

9 A. You just told me. I guess y'all were
10 having -- going through personal problems or
11 whatever.

12 THE DEFENDANT: No more questions of
13 that witness.

14 THE COURT: Anything else?

15 MR. BAILEY: I don't think I have
16 anything else for this witness, Your Honor. Can he
17 be excused?

18 THE COURT: You may be excused.

19 (Witness excused.)

20 THE COURT: And where are you with
21 your witnesses?

22 MR. BAILEY: If I could just check,
23 Your Honor, just one second.

24 (Mr. Bailey steps out.)

25 MR. BAILEY: Your Honor, at this

1 time, the State would rest its case in chief
2 possibly subject to a rebuttal witness.

3 THE COURT: Okay. I know you just
4 came in, but we're going to have to take up a few
5 motions outside the presence of the jury. I'm
6 going to give you about a ten-minute recess, and
7 then we'll get started back with the case.

8 (Out of the presence of the jury.)

9 THE COURT: At this time, the State
10 has rested. Do you have any motions,
11 Mr. Minnifield?

12 MR. HARTLEY: Your Honor, may I make
13 a motion on his behalf? This is an area --

14 THE COURT: Well, you know,
15 Mr. Hartley, he's indicated he wants to represent
16 himself. Now, he either needs to, at this point --
17 he has, at any time, the right to assert his right
18 to an attorney, and if he's doing that, then I will
19 let you proceed. But he has said he wants to
20 represent himself, and I'm not going to let it go
21 back and forth every few minutes.

22 MR. HARTLEY: Yes, Your Honor.
23 Could we have just about five minutes --

24 THE COURT: Yes. And you might can
25 suggest something to him.

1 MR. HARTLEY: I believe I can.

2 THE COURT: And if he does want you
3 to represent him throughout the remainder of the
4 trial, he has the right to have you do so.

5 MR. HARTLEY: If we could just have
6 about five minutes?

7 THE COURT: Okay.

8 (Brief recess taken.)

9 THE COURT: At this time,
10 Mr. Minnifield, do you wish to continue
11 representing yourself, or do you want Mr. Hartley
12 to do so?

13 THE DEFENDANT: I will continue.

14 THE COURT: Okay. Do you have any
15 motions?

16 THE DEFENDANT: Yes, I have a
17 motion.

18 THE COURT: Okay. I'm ready to hear
19 them.

20 THE DEFENDANT: I have a motion to
21 dismiss due to failures of the State to make prima
22 facie case of stalking. Why? Number one, no
23 showing of enough acts, a-c-t-s, that would be
24 stalking. Many of the events that the State
25 brought up had no threat of harassment.

1 Constitution of conduct is not prohibited, 13A-692,
2 the Code of Alabama. All of the events took place
3 in the course of a separation, and the filing of a
4 divorce is in progress. That's my motion.

5 THE COURT: Well, Mr. Minnifield,
6 I've heard the evidence, and I think the State has
7 put on evidence that would present a jury question,
8 and I'm going to deny your motion.

9 Who is going to be your first witness?

10 MR. HARTLEY: Judge, if I could,
11 I've been trying to help Mr. Minnifield in this
12 regard. We were anticipating the State to carry
13 until about ten o'clock this morning. We have some
14 witnesses who are supposed to be here and some more
15 coming at ten. We can start with --

16 THE COURT: I'm going to let you go
17 get the witnesses, but that would be all you could
18 do.

19 MR. HARTLEY: Right, Judge. And
20 I've got to make another phone call. But we expect
21 the arrival of Mr. Ronnie Waters and Gloria Perdo
22 at or about ten o'clock. We believe Mr. Xides is
23 at the doctor's office, Judge, and cannot be
24 reached by telephone under any circumstances.

25 And -- who else can you think of?

1 THE DEFENDANT: Johnnie Sullivan.

2 MR. HARTLEY: Johnnie Sullivan. I
3 just advised his office about fifteen minutes ago
4 for him to come on down. So we apologize, Judge,
5 but we're doing the best we can to anticipate when
6 the State was going to finish its case.

7 (In the presence of the jury.)

8 THE COURT: If you'll come up here
9 and have a seat right over there. Raise your right
10 hand.

11 SHERRY MELTON

12 The witness, having first been duly sworn or
13 affirmed to speak the truth, the whole truth, and
14 nothing but the truth, testified as follows:

15 THE COURT: And would you state your
16 name for the record?

17 THE WITNESS: My name is Sherry
18 Melton.

19 THE COURT: And, Mr. Minnifield, did
20 you have some questions?

21 THE DEFENDANT: Yes.

22 DIRECT EXAMINATION

23 BY MR. MINNIFIELD:

24 Q. Ms. Melton, how long have you been
25 knowing Vonciel Minnifield?

1 A. I guess a little over five years.

2 Q. And John Minnifield?

3 A. A little over five years.

4 Q. Okay. Could you tell the jury where did
5 you live?

6 A. I lived next door to John and Von at 469
7 Empire Terrace.

8 Q. Okay. Have you ever, at any time, seen
9 Vonciel and I fighting or hell-raisers?

10 A. No, sir. I don't know -- you know, I
11 mean, I might hear something like that, but I don't
12 go and look.

13 Q. Okay. Did you hear it coming from our
14 place?

15 A. Not really. I mean, just occasionally.
16 You know, it sounds like some kids playing and all
17 that. And I -- you know, I never really paid any
18 attention to it.

19 Q. Okay. Could you tell the jury what kind
20 of work you do?

21 A. I do security work. I own Central
22 Alabama Security.

23 Q. And, therefore, you be coming in and
24 going all time of night, right?

25 A. That's right.

1 Q. Have you seen Vonciel or John Minnifield
2 out late at night, either one of us or --

3 A. You mean --

4 Q. Coming in or going out late at night.

5 A. No, because I'm usually either at work or
6 in the bed.

7 Q. Okay. So it's nothing you could say
8 negative towards John Minnifield?

9 A. No.

10 Q. Or Vonciel Minnifield?

11 A. No.

12 Q. You have -- have you ever observed me
13 following Vonciel?

14 A. No.

15 Q. Thank you.

16 THE COURT: Do you have any
17 questions?

18 MR. BAILEY: I don't believe I have
19 any questions of this witness.

20 THE COURT: Okay. You can step
21 down. You're excused.

22 Do you have any other witnesses available?

23 MR. HARTLEY: Your Honor, I've given
24 your staff the two witnesses who were supposed to
25 have been here at nine o'clock. Others should

1 start arriving at ten.

2 THE COURT: Let me say this. We're
3 having some difficulty in witnesses, and I will say
4 this. The State rested maybe earlier than
5 anticipated. One of their witnesses had to go to
6 the doctor yesterday in Birmingham and was not
7 released and is on her way here now, but the State
8 has decided to use her as a rebuttal witness. But
9 that's put everything off a little bit, and we're
10 going to see that the witnesses that were here
11 yesterday, if we can get them, and they should have
12 some more witnesses arriving shortly. So I'm going
13 to take a break until ten o'clock, and we'll get
14 you in the jury assembly room.

15 You're excused. You can go.

16 (Witness excused.)

17 (Brief recess taken.)

18 (Out of the presence of the jury.)

19 THE COURT: Mr. Minnifield,
20 hopefully, your witnesses will be here momentarily.
21 But I expect that we may be able to conclude this
22 matter shortly as far as the evidence. And if so,
23 I would expect you and Mr. Bailey to proceed with
24 your closing arguments.

25 Now, one thing you need to be careful about

1 doing in your closing argument is that you cannot
2 testify during that. You can only comment on the
3 evidence that's been presented in court.

4 Now, if you decide to testify -- and you do
5 have the right to testify, if you want to, but you
6 also have the right to remain silent, and that
7 cannot be considered against you. If you do
8 testify, the State would certainly have the right
9 to ask you about prior convictions, or you may just
10 want to testify to that. But I thought I would
11 just mention -- and, of course, you have some
12 familiarity with the criminal court process, in
13 fact, has had a case before me that, as I told you
14 earlier on record, that you were acquitted. So
15 you're somewhat familiar with the charge given by
16 the Court.

17 But I'm going to cover all the normal things
18 such as burden of proof, presumption of innocence,
19 reasonable doubt, the jury to judge the evidence,
20 the credibility of the witness, and then I'm going
21 to give the elements of stalking. And I think that
22 really should cover it pretty well.

23 MR. BAILEY: Judge, I have one
24 requested --

25 THE COURT: Okay.

1 MR. BAILEY: -- that's in the
2 annotations that -- let me look and see if I can
3 find it. I should have copied it down. I
4 apologize.

5 THE COURT: Now, if you do testify,
6 I will give a charge on that you have the right to
7 do so. If you do not testify, often attorneys want
8 me to give a charge that you chose not to testify
9 and you have the constitutional right not to take
10 the stand. If you don't testify, do you want the
11 Court to cover that?

12 THE DEFENDANT: Sure, because I'm
13 going to ask for a lesser charge.

14 THE COURT: Okay. What lesser
15 charge would you be requesting?

16 THE DEFENDANT: Harassment instead
17 of stalking, because due to the fact, Your Honor,
18 this were a domestic dispute. The evidence has
19 showed it was not domestic violence. Never was it
20 in play. There was no prior harassment, any
21 charges brought against me by Vonciel Minnifield
22 other than on the 23rd.

23 THE COURT: Mr. Bailey, do you have
24 anything you want to say on the record as far as
25 harassment being a lesser included?

1 MR. BAILEY: I would say, Your
2 Honor, that the evidence in this case is -- has
3 shown that there is no room for lesser included
4 argument -- or lesser included charge of
5 harassment. The evidence has been overwhelming
6 that there were many events which have occurred
7 which support the charge, what he's charged with,
8 which is stalking.

9 THE COURT: Well, on the harasses as
10 included in the definition of stalking, I think
11 under the circumstances here, and I heard the
12 evidence, that it would not be a lesser included,
13 so I'm going to deny your motion in that regard.
14 And that's on the record that you've made that
15 request, and that I've denied it.

16 Now, are any other witnesses here?

17 MR. HARTLEY: Now we have Ronnie
18 Waters.

19 THE COURT: Okay. Then let's get
20 the jury in here and, hopefully, get started.

21 (In the presence of the jury.)

22 THE COURT: Raise your right hand.

23 JOHNNIE SULLIVAN

24 The witness, having first been duly sworn or
25 affirmed to speak the truth, the whole truth, and

1 nothing but the truth, testified as follows:

2 THE COURT: And would you state your
3 name for the record?

4 THE WITNESS: I'm Johnnie Sullivan.

5 THE COURT: And where do you work?

6 THE WITNESS: I'm the president of
7 Montgomery Catering Company. We do the food
8 service of the RSA buildings downtown.

9 THE COURT: And, Mr. Minnifield, did
10 you have some questions for him?

11 THE DEFENDANT: Sure.

12 DIRECT EXAMINATION

13 BY MR. MINNIFIELD:

14 Q. Mr. Sullivan, how long have you been
15 knowing John Minnifield?

16 A. Probably six or seven years.

17 Q. Okay. Have you hired me as -- one of
18 your partners hired me to work up at the RSA?

19 A. Yeah. You filled in for us working
20 weekends and whatever.

21 Q. And just weekends and whatever?

22 A. Well, you worked for Blankenship, our
23 accountants, so it was kind of a common thing. And
24 Vonciel worked for us, and you ended up working for
25 us part-time with us, weekends when I saw you.

1 Q. When I worked there, did I do a good job,
2 sloppy job, or what?

3 A. No, you did a good job.

4 Q. Okay. On occasion, do you often screen
5 your people when they come to work for you all?

6 A. Screen them how?

7 Q. For health reasons?

8 A. No, not really.

9 Q. Because it is that you have a four-star
10 restaurant, right, food business?

11 A. I don't know that I would call it four
12 star, but we've got several cafeterias downtown and
13 two catering facilities.

14 Q. And you don't screen them through the
15 health department?

16 A. No.

17 THE COURT: He's already answered
18 that.

19 Q. Okay. That seems very unusual --

20 THE COURT: Well, go ahead and ask
21 the question.

22 Q. Would you lie for one of your employees?

23 A. Would I lie for one of them?

24 Q. Yes.

25 A. I wouldn't lie for anybody.

1 Q. You wouldn't lie for anybody. Thank you.
2 Okay. Mr. Sullivan, have you seen me at any time
3 following Vonciel or threatening her?

4 A. No.

5 Q. You never seen me sitting around either
6 the four places you have downtown or where she
7 would frequent work at either one of them or
8 sitting around waiting on her or while we were
9 going through the domestic dispute?

10 A. The only time I saw either one of you is
11 when you were at the activity center, which, you
12 know, I run. And I don't ever really work at the
13 plaza, which is really where Vonciel works most of
14 the time. You know, I only saw the two of you when
15 you were filling in for me part-time, you know,
16 nights and weekends. I didn't see either one of
17 you day-to-day. But as far as when I work nights
18 and weekends, no, I never saw you coming around.

19 THE DEFENDANT: Okay. Thank you.
20 That's all.

21 THE COURT: Do you have any
22 questions?

23 MR. BAILEY: I just have one
24 question.

25 CROSS-EXAMINATION

1 BY MR. BAILEY:

2 Q. Sir, are you -- and this may sound like a
3 dumb question -- but in the past year or two years,
4 have you been with Vonciel Minnifield, would you
5 say, a tremendous amount of time?

6 A. You know, I talk to Vonciel all the time
7 because she's head executive assistant at the RSA
8 Plaza. She and I work out the schedules for our
9 crews for the week. So I would say we talk on the
10 phone more than I see her personally. She fills in
11 and works nights with me at the activity center.

12 Q. I guess my question is, and I should have
13 asked it a different way. Are you with her
14 twenty-four hours a day, seven days a week?

15 A. No. I see her very seldom.

16 Q. Do you know what goes on in her personal
17 life?

18 A. I don't have any idea.

19 THE COURT: Anything else for this
20 witness? You're excused.

21 (Witness excused.)

22 THE COURT: Your next witness?

23 Mr. Hartley, would you mind getting his next
24 witness?

25 THE DEFENDANT: Karen Blanch.

1 THE COURT: Raise your right hand.

2 KAREN BLANCH

3 The witness, having first been duly sworn or
4 affirmed to speak the truth, the whole truth, and
5 nothing but the truth, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MINNIFIELD:

8 Q. Good morning, Karen.

9 A. Good morning.

10 THE COURT: Would you state your
11 name for the record?

12 THE WITNESS: My name is Karen
13 Blanch.

14 Q. Ms. Karen, would you give in reference to
15 where you live, your address?

16 A. 457 Empire Terrace.

17 Q. And is that anywhere near where Vonciel
18 and I live?

19 A. Yes, it is. Next door.

20 Q. Okay. Karen, have you ever encountered
21 her and I having domestic problems such as fighting
22 or --

23 A. No -- I mean, not that I seen myself,
24 just what people say, you know. I haven't seen
25 any --

1 THE COURT: Okay. You've answered
2 it. You've never observed anything.

3 Q. Just a direct question. Have you ever
4 seen me -- after Vonciel and I separated, have you
5 ever seen me following Vonciel or threatening her?

6 A. No.

7 Q. Have you ever seen Vonciel down in Park
8 Manner?

9 A. Yes.

10 Q. Since we separated?

11 A. Yes, I have.

12 Q. Could you state to the jury about what
13 time frame, night or day or etcetera?

14 A. I'm not sure on the dates, you know,
15 because it's been, like, almost two years ago. But
16 after they separated, she was down several times
17 day and night when he was not at home around in the
18 backside of the house. I don't know what she was
19 doing. And then another time when he got out of
20 jail -- I think it was September or October of last
21 year when he got out -- she came down on our street
22 and stopped in front of our house, and my husband
23 was outside. She talked with him. I went outside.
24 John was also out there, and she also spoke to him.
25 But I went inside. That's all I know about, you

1 know, that situation.

2 Q. Thank you, Ms. Blanch. You're very
3 helpful.

4 THE DEFENDANT: That's all.

5 THE COURT: Do you have any
6 questions for her?

7 MR. BAILEY: No questions.

8 THE COURT: Okay. You're excused.
9 You may leave.

10 (Witness excused.)

11 THE COURT: Your next witness?

12 THE DEFENDANT: Ronnie Waters,
13 please.

14 THE COURT: If you'll have a seat
15 right over there, and raise your right hand.

16 RONNIE WATERS

17 The witness, having first been duly sworn or
18 affirmed to speak the truth, the whole truth, and
19 nothing but the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MINNIFIELD:

22 Q. Mr. Waters --

23 THE COURT: And state your name for
24 the record.

25 THE WITNESS: My name is Ronnie

1 Waters.

2 THE COURT: And where do you work?

3 THE WITNESS: Montgomery Catering.

4 Q. Mr. Waters, how are you doing? Could you
5 tell me how long have I been working with you --
6 I've been working with you at Montgomery Catering?

7 A. John, I don't remember dates well, but I
8 would say five years.

9 Q. Five years?

10 A. I would guess that. Four to five years.

11 Q. And, Mr. Waters, as of this date -- I
12 know it's been a year or so -- but I have never
13 been fired or replaced from my position at
14 Montgomery Catering by either one of you or your
15 associate?

16 A. No, huh-uh.

17 Q. Okay. The only thing is this domestic
18 thing. And my wife also work for you?

19 A. Correct.

20 Q. Okay. Did you -- you don't screen your
21 peoples, do you?

22 A. What do you mean by screen? I don't run
23 a drug test. I mean, is that the screening you're
24 talking about?

25 Q. You do what, sir?

1 A. I don't run drug tests if that's the
2 screening you're talking about.

3 Q. Okay. That's one of them. Health?

4 A. No, I don't do any background check as
5 far as their health or drug or, you know, their
6 past.

7 Q. Okay. The reason I want to know this is,
8 the health department would close you down if one
9 of your employer was a carrier of a disease, right?
10 They would shut you down or --

11 THE COURT: I'm not sure what that
12 has to do with the elements here.

13 THE DEFENDANT: It is elements.

14 MR. BAILEY: Your Honor, we would
15 object because I don't know where he's going with
16 this, but it certainly doesn't have anything to do
17 with this case.

18 THE COURT: I'm going to sustain the
19 objection. I'm not going to allow you to go into
20 that. Go ahead with your next question.

21 Q. Okay. On -- at the Auburn and Alabama
22 game in Auburn, that was October every year, the
23 last game that Auburn played in Auburn, you do a
24 function there?

25 A. Correct.

1 Q. Did you see me at that function at any
2 time?

3 A. I did.

4 Q. Could you explain to the jury what did
5 you see or what was said?

6 A. I forget who come told me that you were
7 at the thing that -- at the function or what have
8 you and Vonciel was scared or what have you. So I
9 saw you across the street. I called you over and
10 talked to you and told you, John, you don't have
11 any reason to be here. There's not anything going
12 on. And you said, You're right. And you turned
13 around and left, and that was the last I saw you.

14 Q. Mr. Waters, thank you. Were there --
15 when someone told you that John Minnifield was out
16 there, did you chase me?

17 A. No, I didn't chase you. I said I saw you
18 across the street, and I called you over and told
19 you you didn't need to be there. And you said,
20 You're right, and turned around and left.

21 Q. Okay. Did I explain to you really why I
22 was there? You might not remember exact words, but
23 did I explain to you why I was there?

24 A. I don't recall you explaining anything to
25 me.

1 Q. Did you, by any way, hire a security
2 guard to go with you on this given date?

3 A. I've been doing a function over there at
4 Auburn for fourteen years. And four years ago,
5 Auburn University requested us to get security
6 because of something that happened at another
7 function over there the night before one year.
8 After they seen our party the one year, then after
9 that, they've never required us. But they hired
10 their own security, and I had to pay Auburn
11 University for that security. So I have not
12 personally hired any security other than the one
13 year that I had to pay Auburn for it. But after
14 then, they changed their policy for our function.

15 Q. You did not hire Mr. Glaxton?

16 A. No. I've never paid Mr. Glaxton to work
17 an Auburn party.

18 Q. Thank you.

19 THE DEFENDANT: That's all.

20 MR. BAILEY: Just one question.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q. Were you aware that Mr. Glaxton was there
24 on that day?

25 A. Oh, yeah.

1 Q. And were you aware of you requested him
2 to do this?

3 A. I was told.

4 Q. Okay. That's fine.

5 MR. BAILEY: That's all.

6 THE COURT: Okay. You can be
7 excused.

8 (Witness excused.)

9 THE COURT: Your next witness? If
10 you'll have a seat right over there and raise your
11 right hand.

12 GLORIS PERDO

13 The witness, having first been duly sworn or
14 affirmed to speak the truth, the whole truth, and
15 nothing but the truth, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MINNIFIELD:

18 Q. Would you state your name?

19 A. Gloris Perdo.

20 THE COURT: Can all of you hear her?

21 Q. Speak into the microphone so the jury can
22 hear.

23 Ms. Perdo, where do you work?

24 A. Montgomery Catering.

25 Q. How long have you worked there?

1 A. Ten and a half years.

2 Q. Ten and a half years. Have you had the
3 opportunity to work with Vonciel?

4 A. Yes, I have.

5 Q. John Minnifield?

6 A. Yes, I have.

7 Q. About last year -- year before last --
8 we'll put it in 1998. Did you see, at any time,
9 that John Minnifield stalked, harassed, or
10 threatened Vonciel?

11 A. Repeat the statement.

12 Q. Stalked, harassed, or threatened Vonciel?

13 A. No, I haven't seen it.

14 Q. Okay. Have you seen me hanging around
15 after we start having problems with our marriage?
16 Have you seen me hanging around Montgomery Catering
17 at any given time?

18 A. Could you make that --

19 THE COURT: Could you give her a
20 time frame?

21 Q. A time frame of October of 1998. It
22 would have to be in October.

23 A. On the streets, but not in the building.

24 Q. How did you see me on the street? Would
25 you tell the jury where did you see me at on the

1 street?

2 A. I was standing on our back loading
3 dock -- and it's facing Ripley Street -- and I see
4 you going up and down.

5 Q. Right. Is that frequent like up and down
6 you say is just like every five, ten, or fifteen
7 minutes, or hours, etcetera?

8 A. Well, occasion, I have seen you twice in
9 fifteen minutes.

10 Q. Twice in fifteen minutes?

11 A. Uh-huh.

12 Q. Do you know where my daily job were in
13 reference to my night job?

14 A. I guess that's the Eastern Bypass or --

15 Q. Perry Hill Road?

16 A. Yeah.

17 Q. And do you know what my job title was
18 there?

19 A. I guess the maintenance or delivery or
20 distributor.

21 Q. Okay. Currier. And can you recall that
22 on several occasion, I have to bring payroll?

23 A. Yes, you bring the payroll in.

24 Q. Some type of package. And if Mr. Waters
25 wasn't in, who would get it? Or Vonciel wouldn't

1 in because she's more the secretary, if she wasn't
2 in, then I would put it in nobody's hand other than
3 who?

4 A. Ronnie Waters.

5 Q. Or if he wasn't in?

6 A. You would take it back.

7 Q. That's right. Or Vonciel. That's where
8 I would have to be --

9 THE COURT: Wait. Ask her the
10 question.

11 Q. Okay. In this relationship, you've been
12 knowing us. You've been close to us. Am I right?

13 A. Yes.

14 Q. Okay. Have you ever known me to threat
15 Vonciel would hurt her? Just -- not for what
16 you've heard, just you know it yourself?

17 A. (No response.)

18 Q. I beg your pardon?

19 A. I'm trying to see how I should answer
20 that because I heard you say something once. But
21 you were playing, I guess. You were playing
22 because all of us were out there.

23 Q. And could you state that, what was said?

24 A. My baby won't cheat on me because she
25 know I love her because she know I'll hurt her.

1 Q. Can you state where that was at when that
2 was said, at your house, on the job?

3 A. On the porch at my house.

4 Q. On the porch?

5 A. Uh-huh.

6 Q. So we all did frequent visit each other,
7 right?

8 A. Uh-huh, yes.

9 Q. And at no time have you seen me stalking
10 Vonciel or threatening her or have you seen me with
11 a weapon?

12 A. No.

13 Q. Okay. Thank you, Ms. Perdo.

14 THE DEFENDANT: That's all.

15 THE COURT: Do you have any
16 questions?

17 MR. BAILEY: Just maybe one or two.

18 CROSS-EXAMINATION

19 BY MR. BAILEY:

20 Q. Has Mrs. Minnifield ever stayed at your
21 house -- has Mrs. Minnifield ever stayed at your
22 house with her kids?

23 A. Yeah, she has spent the night.

24 Q. Okay. Can you tell me kind of a time
25 frame when she might have done this?

1 A. During the time that her and
2 Mr. Minnifield was having problems.

3 Q. Okay. And during that time that she had
4 been staying at your house, did Mr. Minnifield ever
5 show up?

6 A. Yes.

7 Q. Can you tell us about that?

8 A. He would come and knock on the door, so I
9 just finally give in and open -- unlock the door,
10 but the screen door was hooked. He said he want to
11 talk to Von. And I said, Wait to cool off. You're
12 mad. And I said, You ought to be glad she's at
13 somebody's house that you know is going to take
14 care of her and the kids. He said, Well, you're
15 right. You're right. And he left.

16 Q. About what time of day or morning was
17 this?

18 A. 3:00 -- 2:30 or 3:00 in the morning.

19 Q. 2:30 or 3:00 in the morning, you say?

20 A. Yeah.

21 MR. BAILEY: No further questions.

22 THE COURT: Any other questions for
23 her?

24 THE DEFENDANT: That's fine.

25 THE COURT: Thank you. You're

1 excused.

2 (Witness excused.)

3 THE DEFENDANT: Your Honor, I would
4 like to put Vonciel Minnifield back on the stand.

5 THE COURT: I'm not going to permit
6 you to do that. You had the right to cross-examine
7 her when she took the stand, and I'm not going to
8 let you call her back.

9 Do you have any other witnesses -- and that is
10 in the Court's discretion? Go ahead. Any other
11 witnesses?

12 THE DEFENDANT: There's none here
13 now. Mr. Xides didn't show up.

14 THE COURT: So at this time, do you
15 rest?

16 THE DEFENDANT: No. I want to take
17 the stand. I want people to know about me, John
18 Minnifield.

19 THE COURT: Okay. Then you'll come
20 up here.

21 THE DEFENDANT: Sure. I have
22 nothing to hide.

23 MR. BAILEY: Judge, I just object to
24 his comments that he's making throughout the --

25 THE COURT: Again, I will ask the

1 jury to disregard his comments. You can only
2 consider his testimony under oath that's admitted
3 during the course of the trial. You can't consider
4 his comments or even his questions when he was
5 acting as an attorney.

6 If you'll raise your right hand.

7 JOHN MINNIFIELD

8 The witness, having first been duly sworn or
9 affirmed to speak the truth, the whole truth, and
10 nothing but the truth, testified as follows:

11 THE COURT: And you can put your
12 hand down.

13 Now, I'm going to let you testify somewhat in
14 a narrative, but she has to take things down, so I
15 may interrupt so it would be easier to take it down
16 and for the jury.

17 And would you state your name?

18 THE WITNESS: My name is John
19 Minnifield.

20 THE COURT: And, Mr. Minnifield, I
21 think it would be helpful if you would maybe just
22 take one matter at a time. And where do you want
23 to start?

24 THE DEFENDANT: I'm going to start
25 with the beginning of this relationship.

1 THE COURT: Well, we aren't going to
2 go back through the whole relationship. This isn't
3 a divorce case. I'm -- you need to start with the
4 matters relevant here.

5 THE WITNESS: Okay. The matters
6 relevant here is Vonciel and I, we had a difference
7 towards living together as man and wife. As you
8 can see, she's a younger lady, and I'm a older man.
9 Vonciel was out on the street. I took Vonciel in.
10 I tried to make something out of her. I worked
11 hard. I tried to get her off drugs. I went to the
12 welfare, got her children back she had lost and her
13 custody --

14 MR. BAILEY: Your Honor, I'm going
15 to object.

16 THE COURT: I'm going to sustain
17 your objection.

18 Again, Mr. Minnifield, you need to address the
19 matters that have been raised in this court
20 proceeding regarding the stalking.

21 Now, what do you have to say in regard maybe
22 to the car incident? Do you want to say anything
23 in regard to that?

24 THE WITNESS: That Vonciel has been
25 lying throughout this case.

1 THE COURT: Mr. Minnifield, if you
2 want to testify, I'm going to let you testify. I'm
3 not going to let you characterize other witnesses's
4 testimony. Now, if you want to tell the jury any
5 facts regarding the -- let's just start with the
6 car incident, you can do so. Is there anything you
7 want to tell them in regard to that?

8 THE WITNESS: I want to tell them
9 from the time we broken up, and she left and
10 charged me with the stalking.

11 THE COURT: Okay. When did you
12 break up with regard to the stalking?

13 THE WITNESS: We broke up October
14 when Vonciel walked out of my house on October the
15 8th.

16 THE COURT: Okay.

17 THE WITNESS: 1998.

18 THE COURT: And what happened after
19 that?

20 THE WITNESS: Vonciel just moved out
21 of the house and went to a hotel for a week. I
22 didn't know where she were until one of the
23 neighbors told me what --

24 MR. BAILEY: Your Honor, I'm going
25 to object.

1 THE COURT: You can't go into what
2 the neighbors said.

3 What did you do when you found out where she
4 was?

5 THE WITNESS: I went to the hotel
6 where she lived, and I asked her what was the
7 problem. She said she just having some problem and
8 her and the kids needed space. They just needed
9 space from her and I for her to think. Vonciel
10 told me, John, it's nothing in my name or nothing
11 with my name on it.

12 THE COURT: Again, Mr. Minnifield,
13 this is not the divorce proceeding. So what
14 occurred after that conversation?

15 THE WITNESS: I asked Vonciel to
16 come back home. Let's discuss this, work things
17 out. She said, Okay. Vonciel packed up her stuff,
18 her and the kids, and they came back home. We sit
19 down and talk. We went out to lunch.

20 THE COURT: Mr. Minnifield, I'm not
21 going to let you go into all of those details.
22 Okay. How long did she stay at the house?

23 THE WITNESS: She stayed there a
24 week.

25 THE COURT: And what happened then?

1 THE WITNESS: And Vonciel started
2 running out around at night like she couldn't be
3 still. She just had to go. She get off from work.
4 She come home. She just had to go.

5 THE COURT: Okay. Did she and the
6 children move out?

7 THE WITNESS: Not then.

8 THE COURT: When did they move out?

9 THE WITNESS: It was a week or so
10 later that they moved out because I asked her to
11 slow down, to stop running.

12 THE COURT: Okay. So they moved out
13 again, and then what happened?

14 THE WITNESS: They moved out this
15 time, and they went to Brookview Apartment. She
16 had already rented the apartment.

17 THE COURT: Well, you've heard the
18 testimony about what she said -- she and others
19 said occurred on that occasion. Do you have
20 anything you want to say in regard to that?

21 THE WITNESS: Yes. Vonciel came
22 back to the house and asked me for certain items --
23 the furniture, clothes, etcetera. I told her she
24 could get anything she wanted, but only her brother
25 or her uncle could come there and get it and no

1 other man could come there and get nothing from me.
2 So she contacted her brother. We made a time frame
3 that this happened, and he came over and he moved
4 stuff.

5 THE COURT: Well, when --
6 Mr. Minnifield, I need you to testify what happened
7 on that occasion that they said you went over there
8 and the incident with the door and going into the
9 apartment.

10 THE WITNESS: Okay. The incident to
11 the door was -- it came -- it lead up to the Friday
12 before this happened. Vonciel had came to me, and
13 she said, John, said, we're going back together.
14 We just needed space. But right now I need a
15 telephone. She said, I need a telephone for me and
16 the kids's safety. Because I asked Vonciel --

17 THE COURT: And did you give her a
18 telephone or get her a telephone?

19 THE WITNESS: Yes. That Friday I
20 went and got Vonciel a telephone at Powertel,
21 nearly two hundred dollars. But anyway, though --

22 THE COURT: And what led up to you
23 being at the apartment that night?

24 THE WITNESS: Okay. This here was
25 some two weeks later. But I called -- well, I had

1 let her use the vacuum cleaner, and I was putting
2 down some carpet. And once the carpet got put
3 down, she was coming back. But what happened, I
4 called Vonciel on the one time on that phone and
5 discovered that the number had been changed. I
6 bought it on Friday. She changed the number on
7 Monday. Everybody had the number but me. Okay.
8 So that's what caused me to go over to her house.
9 I went over to her house. Vonciel did not answer.
10 It was about nine o'clock, a decent hour. Some
11 nights she work ten and eleven o'clock, and I knew
12 she might have not just been there, so I left. I
13 came back later, due to the fact the guy was going
14 to put down the carpet, and they needed the vacuum
15 cleaner. I went by a friend of mine's house,
16 Robert. He's the mechanic, and he told me that --

17 THE COURT: Now, you can't go into
18 what he told you. What did you do? Did he go with
19 you?

20 THE WITNESS: He went with me to
21 Vonciel's house to get the vacuum cleaner because
22 he needed to try to make him a little bit of money
23 on the side every now and then. So Vonciel's car
24 wasn't there. So I goes back and drop him off.
25 And so I go on home. But I really need this so I

1 could straighten the house up so my family will
2 come back home. Vonciel had this guy in there. I
3 seen his car. I knew he was there. I kicked the
4 door down and went into the house. At the time, I
5 lost it. It was a jealous rage. Your wife, you're
6 doing everything for her, and now she got a man in
7 the house. Yes, I kicked the door in. I went in.
8 The same gentleman that was here yesterday
9 testified, Pete Rose. He was a frequent visitor of
10 Vonciel on her job. I have seen this, but she
11 booked parties and etcetera, and she even
12 introduced me to him like he was setting up, like,
13 for a wedding or party. I went into a rage because
14 I loved my wife. I love those children.

15 I married my wife there. She had four
16 children by four different peoples --

17 THE COURT: Now, wait just a moment,
18 Mr. Minnifield. You need to -- anything else you
19 want to say about what occurred at that time?

20 THE WITNESS: Yes, I am. This is
21 what made me go into a rage. And any man -- any
22 man prudent or not would love his wife, work hard
23 for his wife, would have felt the same way I did.
24 Some would have went further.

25 THE COURT: Okay. Mr. Minnifield, I

1 am going to let you -- remember, you'll get an
2 opportunity to argue this matter. At this time,
3 you need to just tell the jury the facts.

4 Now, did any -- did you want to say anything
5 else about what occurred on that day?

6 THE WITNESS: The facts occurred on
7 that occasion. Yes, I did not put my hand on
8 Vonciel when I went into the house. I was
9 confronted by Dana, you all met yesterday, the
10 15-year-old daughter. Dana was the one that
11 confronted me. Vonciel ran into the closet with
12 Mr. Rose. Ashley ran into the bathroom. I heard
13 the door slam, and I know it was a one-room
14 apartment because I visit there frequent. She get
15 me over for dinner.

16 Okay. I go in the bathroom. There Ashley on
17 her knees. Please, Papa John, don't hurt me. I
18 said, Baby, I'm not going to hurt you. And I look
19 around because I hear a scuffling behind me. And
20 in that corner over there was a closet. I was
21 intoxicated -- not that much -- but I did see the
22 arm push Vonciel out of the closet. I recognized
23 the watch. That's when I came up from right here
24 with the hatchet. I came out with it. Vonciel
25 seen it. Vonciel tried to go back in the closet,

1 but she didn't. She went through the window --
2 where at the time, I never hit one of those
3 children before.

4 But Dana, when she confronted me, I asked her
5 to move. She wouldn't move. Dana was begging me,
6 No, Papa John, no. I'm trying to push her like
7 this. And in that process and in the process of me
8 being intoxicated, my hand came up and I slapped
9 her. It wasn't intentional slap. She screamed
10 just like this. Dana is the one turned around,
11 jumped up on the bed, and the window was, like,
12 where those two gentlemen sitting there, and it's a
13 little bit wider than where you're sitting. Dana
14 just dove through the window. She's the one that
15 dove through the window. When Pete Rose pushed her
16 out the closet, then Vonciel know she couldn't get
17 back to the closet. I said, I'm going to get you.
18 That is the word I said, and if it carry me to
19 prison for the rest of my life or death sentence or
20 what, that is what I told you.

21 You jumped through the window yourself because
22 Dana had tore all of the window out. You jumped
23 through the window. You took off running. I came
24 back through the living room. And in coming back
25 through the living room, I seen the telephone there

1 on the TV, what another man had bought. So I
2 grabbed the telephone, and I walked out and sat on
3 the sidewalk, and I bust the hell out of it because
4 I worked and bought the phone, and everybody got
5 the number but me.

6 Then I took out chasing you. On the first
7 time around the apartment complex, when I came
8 around the window where you came out, Pete Rose
9 tried to come out of that -- he tried to come out
10 that window, but he seen you. But I was pretty
11 close to you. He went back in. I chased you
12 around one more time and at that time, that's when
13 the police man was there.

14 It wasn't like Vonciel said she was at the
15 window. She was the brave one. I didn't want my
16 daughters to get hurt. Vonciel left her baby girl
17 in that house. Vonciel didn't care nothing about
18 nobody but Vonciel at the time being.

19 THE COURT: Mr. Minnifield, go
20 ahead. You can't say her mental operation, just
21 what occurred.

22 Okay. So the police came, and then what
23 happened?

24 THE WITNESS: When the police came,
25 I was in a rage. They carried me to jail. I goes

1 down. They hold me for four hours due to the smell
2 of alcohol. I goes back over there -- I get out on
3 bail. I go back to the apartment to get my
4 vehicle. I knew Vonciel was in a safe house. I
5 didn't go searching for her. The next day, I
6 didn't go searching for her. I didn't go to work
7 that morning.

8 Don Thomason is one of my bosses. He kept
9 paging me, so I stopped to call him. He said, Are
10 you coming in today --

11 MR. BAILEY: Your Honor, I object.

12 THE COURT: I'm going to sustain the
13 objection. With regard, you need to confine it to
14 your contacts or your conduct related to this
15 issue.

16 When was the next time you had any contact, if
17 you did, with your wife?

18 THE WITNESS: This is pertaining
19 her. It's --

20 THE COURT: I'm not going to let you
21 go into what he said or did. Only what you did.

22 THE WITNESS: Okay. This is what
23 happened is he asked me --

24 THE COURT: You can't go into what
25 he asked you.

1 THE WITNESS: It's pertaining to
2 her.

3 THE COURT: You cannot go into what
4 he said. That's not admissible.

5 What did you do then?

6 THE WITNESS: I gave consent or I
7 made the statement that she has no reason to fear
8 me. I was carried away at the time. She could go
9 back to her job. She can go back to her home, that
10 I was not going to follow her. If she didn't want
11 to be with me, then I didn't want to be with her.

12 THE COURT: Well, did you have any
13 further contact with her over the -- in November?

14 THE WITNESS: I had contact with her
15 in November. I got sick. And at the time being,
16 Vonciel and her two daughters carried me to the
17 hospital, which I stayed in there for three days,
18 the Montgomery Regional Hospital. They carried me
19 there, and Vonciel was there every day, every
20 night. And, you know, I thought we was going back
21 together because I wanted the marriage to work.
22 But it didn't work.

23 THE COURT: Okay. Well, what
24 happened next?

25 THE WITNESS: Okay. What happened

1 next is the next incident happened on -- it
2 happened on the day of the Auburn and Georgia
3 football game. I was going down -- I was getting
4 up on from Lower Wetumpka up on the Northern
5 Bypass. A little boy named Jody Lewis, which you
6 haven't met, he was in the car with me. I was
7 going across town, and I did not recognize Vonciel
8 until I got to the traffic light. I pulled up at
9 the traffic light at James Jackson Federal Road and
10 the Northern Boulevard. And Jody said something,
11 whatever it was. We was talking about the football
12 game. And I looked that way, and there was
13 Vonciel's car right beside mine. It wasn't her
14 car. It was somebody else's car, one of the
15 co-workers. That's what made me not recognize her.
16 And I said, I want to see you. She had Tim Brown
17 in the car with her. So he took off when the light
18 changed. So I took off too. As I was going to hit
19 65 South, which I did hit 65 South, I didn't go 65
20 North, as she told in her statement. I went over,
21 and the guy that was going to go to the football
22 game with me because I had two tickets that had
23 been given to me by the company -- and I am a
24 Auburn fan.

25 Well, we went to the game. And I said,

1 Vonciel is working this game today. It's over a
2 hundred thousand peoples there, and I said I wanted
3 to talk to her. So we rode around a few minutes
4 until I spotted the Montgomery Catering truck. And
5 I went to talk to her, but I stood about as far
6 from here to that door from her. And the girl that
7 works with her was looking at me, and I did like
8 that. And Vonciel looked over that way, and she
9 said, No, John. And she walked down there where
10 Mr. Waters were and the security guard.

11 Like they say, I was standing up there. When
12 they approached me, I didn't get too closer to her
13 because I didn't want to frighten her. Mr. Waters
14 and the security guard walked right up to me. They
15 had probably about twice the distance from that
16 door and table to come up there where I were. I
17 didn't make no break to walk away. I didn't make
18 no break to go towards her or put her in fear.
19 Mr. Waters came up, and he said, John, we don't
20 need any kind of confrontation down here. You
21 heard his statement. I say, You're right. There
22 wasn't going to be no confrontation. I just wanted
23 to talk to her, and I see she don't want to talk.
24 And I showed him the tickets. I said, I don't even
25 want to go to the game.

1 It was no place to park, so my friend was
2 driving up and down. You know, I told him, Don't
3 get too far. Just circle around so, you know, we
4 can get in the car and go find a place to park and
5 go on to the game.

6 I asked Mr. Waters, I said, Mr. Waters, I
7 said, You could say a few words for me to my wife.
8 He said, I'm not going to get off into that. I
9 said, Okay. That's fine. Time will work itself
10 out. So I left. I said, I don't even want to go
11 to the game. As a matter of fact, I just handed
12 the tickets to a guy, and I left -- me and this guy
13 did, and came back to Montgomery.

14 I didn't come in contact with Vonciel no more.
15 On the 23rd or the 30th -- on the 23rd, that Monday
16 morning -- I know I've carried her to work too many
17 times -- she don't get to work until 8:30 or after.
18 I had went out and gave the keys to David Johnson,
19 a co-worker of mine, because I wasn't going into
20 work that day. The company had gave me a leave of
21 absence. Anyway, only come in, you know, if you
22 feel okay.

23 So I gave him the keys to give to my boss
24 because they had to have the alarm and all that
25 turned on, and we had construction workers over

1 there. So I came back and I seen Nick, Nicholas
2 Washington, the first one that testified this
3 morning, emptying the garbage on Ripley Street. I
4 said, Nicholas, I say, when Von come in, tell her
5 I'm going out of town until after Thanksgiving. I
6 won't be back 'til after Thanksgiving. But when I
7 come back, just to give her some time, maybe we can
8 sit down and discuss things and work things out.
9 He said, Okay. And I said, You have a happy
10 Thanksgiving, and I drove off.

11 I went home because I had been up all that
12 night -- I went home and parked my car in my yard.
13 I went in and went to bed because I had a white guy
14 that he couldn't get in the Salvation Army and it
15 was cold that night before, and I let him stay with
16 me because he didn't have anywhere to stay. I went
17 in there and went to bed. I stayed in the bed
18 until about 2:30. I got up, taking me a bath, and
19 went over to a friend's house of mine, David
20 Johnson, the one I left the keys with.

21 He said, Man, the detectives have been on the
22 job all day waiting on you. I said, Waiting on me
23 for what? He said, Vonciel has filed a stalking
24 charge on you. And the detectives said you're
25 going to be up under a hundred-thousand-dollar

1 bail, and they gone -- they got all-point bulletin
2 out for you. What you going to do? I said, What
3 you think I'm going to do? He said, Well, I'll
4 ride with you if you want to go. He said, You
5 don't need to go to jail. I said, What you mean,
6 go to jail? I'm not running because I haven't did
7 anything.

8 THE COURT: Mr. Minnifield, you
9 don't need to go into the details of your
10 conversation with someone else, but you can say
11 what you did. What did you do?

12 THE WITNESS: I went to the police
13 headquarters, but I let David and this white guy go
14 so if I got locked up for any reason, that my car
15 wouldn't be sitting on the street and I have to be
16 paying extra towing fee to get it towed or for
17 storage. So they went down there with me, and I
18 went in and asked for Ms. Cassandra Williams, the
19 detective, and she came over and she put cuffs on
20 me, and she questioned me, etcetera. And she said,
21 We're charging with you the charge of stalking and
22 your bail is going to be a hundred thousand
23 dollars. I said, Whatever. And I went on. They
24 brought me over to the county jail.

25 I did not make contact. The only other

1 contact I made with Vonciel were we had an early
2 winter and it was cold a couple nights in a row --
3 awful cold. We have a dog, which is a Chow, and
4 I'm a constant watch of the news, and I noticed the
5 weather was going to be cold. The dog was tied in
6 the backyard because nobody can get up to him but
7 me and Vonciel and the son, which was in Texas, and
8 Dana. I written a letter to Vonciel and asked
9 Vonciel -- because she always bring scraps from up
10 there where she work at -- and I asked her to carry
11 him some food. And in the process, I put a few
12 words in there about her and I thinking about it,
13 and, you know, let's cut all this kid stuff out.
14 We're married. We're not shacking. She took the
15 letter to the district attorney, but she didn't
16 take the letter to them then. She held that
17 letter --

18 MR. BAILEY: Your Honor, I'm going
19 to object as to what she did.

20 THE COURT: I'm going to sustain the
21 objection. Go ahead, Mr. Minnifield. Anything --
22 then you were arrested in the matter, and we're
23 here today for the trial --

24 THE WITNESS: I was arrested --

25 THE COURT: Mr. Minnifield, I'm

1 going to let the State, if they want to ask you
2 anything on cross-examination, do so, and then you
3 may make any further brief response.

4 Do you have anything you want to ask him?

5 MR. BAILEY: Yes, Your Honor, but
6 may I approach before I do so?

7 THE COURT: Yes.

8 MR. BAILEY: And, I guess,
9 Mr. Minnifield needs to --

10 THE COURT: Mr. Minnifield, you need
11 to come up here as well.

12 MR. BAILEY: Judge, I think I'm
13 going to ask him some very limited questions and
14 move this. And what I would like to do to speed
15 things up, if I could. Cassandra Williams is here.
16 I would like to just ask her a few questions and in
17 response stop my questioning and --

18 THE COURT: Okay.

19 THE DEFENDANT: That's fine.

20 CROSS-EXAMINATION

21 BY MR. BAILEY:

22 Q. You say David Johnson is a friend of
23 yours?

24 A. Yes, I thought he were.

25 Q. Did -- isn't it true, sir, that you had

1 told Mr. Johnson in that conversation that you had
2 talked about just a few minutes ago where you said
3 that you had went and told him that you were fixing
4 to leave town, correct?

5 A. Yes.

6 Q. Okay. Isn't it true, also, that in that
7 same conversation that you told him you were going
8 up to the mountains?

9 A. Yes, I told him I was going up to the
10 mountains.

11 Q. Isn't it also true that you were going up
12 there to think about how you were going to kill
13 your wife?

14 A. No, sir.

15 Q. Didn't tell him that?

16 A. No, I didn't.

17 Q. You do admit, sir, going and talking to
18 Nicholas Washington?

19 A. Yes, I do.

20 Q. Okay. And you -- did you advise Nicholas
21 Washington that you were fixing to leave town?

22 A. Yes, I did.

23 Q. Something that you didn't mention in your
24 testimony, but I'm going to ask you about. Do you
25 recall ever going to Lawanda Benson's house?

1 A. Yes, I do.

2 Q. And what happened on that occasion when
3 you went to her house, what time?

4 A. I went to Lawanda Benson's house -- it
5 was about 9:30 one night, and I said, Wanda, I say,
6 I want you to go and deliver a message to me for
7 Von. She said, John, say, You know where Von is.
8 She said, Let it go.

9 Q. How many times did you go to Lawanda
10 Benson's house?

11 A. I went to her house twice over a course
12 of all October.

13 Q. And you admit to also going to Auburn,
14 Alabama, correct?

15 A. Yes.

16 Q. Now, I want to talk about the October
17 30th incident. You talked a little bit about that,
18 the incident where you had come over to the
19 Brookview Apartments?

20 A. Right.

21 Q. Okay. What all did you have with you on
22 that day?

23 A. Huh --

24 Q. Did you have anything with you, any type
25 of weapons?

1 A. Sure. I didn't have nothing with me then
2 when I first came up and knocked on the door. But
3 I did go back to the car to give her time to set
4 the vacuum cleaner outside the door.

5 Q. Let me ask you about that since you bring
6 up giving her time. You said you had went over
7 there originally about nine o'clock in the evening,
8 correct?

9 A. She wasn't there.

10 Q. And she wasn't there?

11 A. Right.

12 Q. You said that you came back later on that
13 night, correct?

14 A. Right.

15 Q. I believe you said you came back with
16 someone else?

17 A. I came back with someone else, and she
18 still wasn't there.

19 Q. She still wasn't there. What time was
20 that?

21 A. This was about 10:30.

22 Q. Okay. Then you go and drop your friend
23 off, correct?

24 A. Right.

25 Q. And then you came back to her house; is

1 that correct?

2 A. Right.

3 Q. What time was that?

4 A. It was about 11:30. This was on my way
5 home. See, I could go home that way. I don't stay
6 far from Brookview Apartment.

7 Q. You don't think 11:30 at night is a
8 little late to be going and asking someone for a
9 vacuum cleaner?

10 A. Well, I had a job I needed did. She was
11 supposed to have gotten it to me before -- three or
12 four days before then.

13 Q. Okay. So how did you wind up getting
14 into the house?

15 A. I kicked the door down.

16 Q. Okay. Now, you've testified about some
17 of the events that occurred after you kicked the
18 door down.

19 A. Right.

20 Q. Did you also kick the bathroom door down
21 or knock the bathroom door down?

22 A. No.

23 Q. Didn't do that?

24 A. No.

25 Q. Did you also chase your wife around the

1 parking lot with that hatchet?

2 A. Yes.

3 Q. Okay. And what would you have done if
4 you had caught her?

5 A. Well, under the --

6 THE COURT: I'm going to sustain the
7 objection as to what he would have done. That's
8 speculative.

9 Q. What were you trying to do?

10 A. What were I trying to do? I was trying
11 to catch her.

12 Q. If you had caught her, what would you
13 have done? What was your intentions?

14 A. I could not really tell you what my
15 intentions were.

16 Q. Did you not tell the police that you
17 would have killed her if you would have caught her?

18 A. I told them I don't know what I would
19 have did if I had of caught her.

20 Q. You didn't tell them that you would have
21 killed her?

22 A. No. And I was intoxicated, but I know I
23 had -- didn't say that.

24 Q. Would you have -- did you tell the police
25 you were going to use that hatchet on her?

1 A. Not that I can recall.

2 Q. And I think I may have just asked you
3 this, but did you admit or did you testify that you
4 did chase her around in the parking lot?

5 A. Sure.

6 Q. And at the time that you were doing that,
7 you had the hatchet in your hand?

8 A. Sure.

9 Q. I want to ask you something else. Have
10 you ever messed with her car, tampered with her
11 car?

12 A. Sure.

13 Q. How many times?

14 A. Once.

15 Q. You haven't done it twice?

16 A. No.

17 Q. You're sure about that?

18 A. I'm positive.

19 Q. Have you ever stayed out -- stayed out in
20 front of her house and sat up on a hill and watched
21 her house?

22 A. No.

23 Q. Never done that?

24 A. Excuse me, let me refrain that. On the
25 night that I went over to her house, that was on

1 the day, kid for cops day. I don't remember the
2 exact date. We had been out all day that day, and
3 I had went with her and help wash. And then we
4 came back, and Jody and I left. It was about 11:30
5 or quarter 'til twelve. And we was going to go to
6 kid for cops the next day. So -- and I came back
7 over there -- Jody and I came back over there. And
8 my car quit running, so it had ran hot is what it
9 did. Because she had the black car at the time,
10 and I had the green one, the one that had a busted
11 hose on it. And Jody went down there. We were
12 right there at Brookview Apartment. He went down
13 there to ask to use the phone to call his parents
14 to tell them he was going to be late. Vonciel was
15 gone.

16 THE COURT: Just listen to his
17 question.

18 Q. Let me ask you another question. Let me
19 try to make it a specific question. Did you or did
20 you not tell the police that you sat up on a hill
21 one night watching her house?

22 A. I told the police that while she was
23 gone -- and behind her house was a drug transaction
24 going on and the two girls was in the house, and I
25 stayed there until the police came. And they

1 waited until Vonciel came, because I left when they
2 came.

3 Q. My question is: Did you not tell them
4 that you stayed up on a hill watching her house all
5 night?

6 A. No, I didn't tell them all night, no.

7 Q. Did you also tell the police that you
8 would lie to save your neck?

9 A. No.

10 Q. Didn't say that?

11 A. No.

12 MR. BAILEY: Your Honor, I think
13 that's all the questions I have at this time.

14 THE COURT: Do you have anything you
15 want to respond to with regard to the specific
16 questions Mr. Bailey asked you?

17 THE WITNESS: Okay. Mr. Bailey,
18 he's going by really what she's saying and that's
19 all he can go by and the police report. But this
20 marriage, it was long done. Okay. That's all I've
21 got to say, and I'm going to step down.

22 THE COURT: Okay. You can step
23 down.

24 (Witness excused.)

25 THE COURT: Do you have any other

1 witnesses?

2 THE DEFENDANT: Has any more came
3 in?

4 MR. HARTLEY: I believe one witness
5 is at the hospital, Judge, or doctor's office.

6 THE COURT: Do at this time, you
7 rest?

8 THE DEFENDANT: What about Don
9 Thomason?

10 MR. HARTLEY: He hasn't appeared.

11 THE DEFENDANT: Okay. I have some
12 witness that is crucial to this case, and I was
13 under the impression that they would be here --
14 they knew to be here. And all witnesses that I
15 asked to be here --

16 THE COURT: Did you subpoena the
17 witness?

18 THE DEFENDANT: I had him to.

19 THE COURT: Was a subpoena served on
20 the witness?

21 MR. BAILEY: Judge, I might could
22 help out a little bit. The witness he's talking
23 about is Mr. Thomason. And Mr. Thomason was here
24 yesterday. And I believe Mr. Hartley and I both
25 talked to him and told him we would call him if we

1 needed him. He's on call. I don't think he's been
2 called today.

3 THE COURT: I'll take this up.

4 We're going to take a short break, and I'll
5 let you know where we are. Let's take a
6 fifteen-minute break, and I might just have an
7 offer put on the --

8 (Out of the presence of the jury.)

9 THE COURT: Mr. Minnifield, at this
10 time, I'm going to ask you to make an offer of
11 proof as to what his testimony would be.

12 THE DEFENDANT: Mr. Xides'?

13 THE COURT: No. He's at the
14 doctors. Mr. Thomason, is that the name?

15 THE DEFENDANT: Right. Don
16 Thomason. He would give testimony to -- he had --
17 the police had came out and picked me up on the
18 job. That was on the 23rd of October. They had
19 picked me up on the job because she had filed a
20 charge of harassment -- no -- wreckless
21 endangerment. They carried me down to police
22 headquarters --

23 THE COURT: What would
24 Mr. Thomason's testimony be?

25 THE DEFENDANT: He came and got me.

1 Vonciel wanted me to sign divorce papers. I told
2 him I wasn't going to make any contact with
3 Vonciel, but if she will just leave me alone, stay
4 out of my life, she can talk -- contact
5 Mr. Thomason. She get the paper drawed up. I'm
6 not going to pay for anything. And that he's a
7 notary, and the lawyers can get it to him, and I
8 would -- I would be gladly to sign the paper.

9 THE COURT: Who is Mr. Thomason?
10 Where does he work?

11 THE DEFENDANT: He work for Wilson
12 and Price. He was my boss out there. He's my boss
13 out at Wilson and Price. He's one of them.
14 There's seventeen in all.

15 THE COURT: Well, I'm not sure what
16 that has to do with the situation here.

17 THE DEFENDANT: And he's been very
18 familiar with Vonciel, more like friends to the
19 both of us. He knew about the ongoing, you know,
20 situation.

21 THE COURT: Well, I think that the
22 jury has had sufficient evidence to know there's
23 been ongoing problems. Is there any way you could
24 make any stipulation as to what his testimony would
25 be?

1 MR. BAILEY: I would be happy to
2 stipulate Mr. Thomason, because I've talked with
3 Mr. Thomason. Mr. Thomason would basically come in
4 and say that he doesn't know anything about this
5 stalking incident specific. I mean, he knows about
6 the stalking case obviously, but he doesn't know
7 anything about the incidents that have occurred.
8 If there's something specific that they would want
9 me to stipulate to. I would have to hear it,
10 but --

11 THE COURT: Again, I don't know what
12 the purpose of the divorce papers -- would you be
13 willing or could you stipulate that Mr. Minnifield
14 discussed with him having signed -- him signing
15 divorce papers?

16 MR. BAILEY: I don't have a problem
17 with that.

18 THE COURT: I'm going to see if
19 y'all could stipulate. I don't think --

20 MR. HARTLEY: In other words, that
21 would be told -- may I help him, Judge?

22 THE COURT: Yes.

23 MR. HARTLEY: In other words, that
24 would be told to the jury that you're supposed to
25 accept this just like Mr. Thomason was here and

1 gave it as testimony, and it's undisputed and it's
2 a fact in this case.

3

4 THE DEFENDANT: Yeah, it is a fact
5 in this case.

6

7 MR. HARTLEY: Right. But the Judge
8 will represent it to the Court that both sides --

8

9 THE COURT: If not, we need to get
10 him here. And, again, I don't know what benefit
11 his testimony is going to be, to tell the truth.
12 I'm going to take a short break and see if y'all
13 can make a stipulation.

13

MR. HARTLEY: Thank you, Judge.

14

(Brief recess taken.)

15

16 THE COURT: Okay. Mr. Minnifield,
17 when the jury comes back, I'm going to tell them
18 what -- the State has stipulated that if you call
19 Mr. Thomason, this would be his testimony and they
20 are to consider it as testimony.

20

21 At this time, I'm going to let you go ahead
22 and make any motions, renew your motions regarding
23 the case because you'll be resting at the end of
24 this. And at this time, do you renew your motions
25 that you had previously made?

25

THE DEFENDANT: Yes, I do.

1 MR. HARTLEY: Renew the motions --

2 THE DEFENDANT: I would renew that
3 motion to dismiss.

4 MR. HARTLEY: On the same grounds.

5 THE DEFENDANT: Yes, on the same --

6 THE COURT: And I'm going to deny
7 your motion. I think a jury question is made.

8 Mr. Hartley, I understand the State is going
9 to call a police officer who had the tape. And I
10 don't know whether they're going to play it for the
11 jury, but if they -- they may be willing not to
12 play it to the jury if y'all would stipulate that
13 it is in evidence and can be taken with the jury as
14 an exhibit. Otherwise, he's going to want to play
15 the whole tape.

16 MR. HARTLEY: This is a very long
17 statement. They have it on tape. The jury can
18 take it back there and play it if they want to. If
19 they don't play it, then that's their call. Is
20 that okay with you?

21 THE DEFENDANT: Yes, that's fine. I
22 have no problem with that. I have no problem with
23 that.

24 THE COURT: Well, let me see what
25 they want to do.

1 Are you going to -- I don't know how you want
2 to do the tape.

3 MR. BAILEY: I would just -- or I
4 guess you can just state that we have stipulated
5 that the tape will go in. And I will just ask
6 Cassandra a few preliminary things about the tape
7 and maybe a couple things --

8 THE COURT: And you had stepped out,
9 but I went ahead and let Mr. Minnifield renew his
10 motions. And what I'll do is when we get through
11 with this, we'll take a break, and then y'all will
12 argue after lunch, and I will charge the jury.

13 MR. BAILEY: Okay. Do you want me
14 to go ahead and have Detective Williams?

15 (In the presence of the jury.)

16 THE COURT: Mr. Minnifield had
17 another witness that he wanted to call, Don
18 Thomason, who is Mr. Minnifield's employer. The
19 State has stipulated that if Mr. Thomason was
20 called as a witness, that his testimony would be
21 that in mid October after Mr. Minnifield was
22 arrested on a reckless endangerment charge that
23 Mr. Minnifield told Mr. Thomason that if Vonciel
24 would have the divorce papers drawn up, that
25 Mr. Minnifield would sign it and Mr. Thomason could

1 notarize it. And the parties have stipulated that
2 that would be Mr. Thomason's testimony, and I'm not
3 going to require him to be here. But you're to
4 consider that just as if Mr. Thomason had been here
5 in person.

6 And at this time, then, Mr. Minnifield, do you
7 rest?

8 THE DEFENDANT: Yes, I rest.

9 THE COURT: Would you raise your
10 right hand? The State has some brief rebuttal.

11 CASSANDRA WILLIAMS

12 The witness, having first been duly sworn or
13 affirmed to speak the truth, the whole truth, and
14 nothing but the truth, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BAILEY:

17 Q. Can you please tell the ladies and
18 gentlemen of the jury your name?

19 A. Cassandra Williams.

20 Q. And how are you employed, ma'am?

21 A. I'm a PCO with the State of Alabama,
22 Department of Public Safety.

23 Q. And prior to doing that, how were you
24 employed?

25 A. I was a detective with Montgomery Police

1 Department.

2 Q. And I want to get right to the case at
3 hand. Did you have any duties assigned in the case
4 of John Willie Minnifield?

5 A. Yes, sir. I was the case agent in that
6 particular case.

7 Q. And, if you could, please explain briefly
8 to the jury what a case agent is.

9 A. The case agent is assigned a case to
10 investigate by a supervisor. And as the case
11 agent, I will file a police report and speak with
12 the victim in the case and any witnesses and also
13 with the defendant. I take statements and compile
14 a case file to be presented to Court.

15 Q. And did you do that in this case?

16 A. Yes, sir.

17 Q. Okay. Did you have an opportunity,
18 during the course of your investigation, to talk
19 with the defendant in this case, Mr. Minnifield?

20 A. Yes, sir, I did.

21 Q. And at the time -- before you had a
22 conversation -- or before you talked with him, did
23 you have an opportunity to read Mr. Minnifield his
24 rights?

25 A. Yes, sir.

1 Q. I want to show you, at this time, what
2 has been marked as State's Exhibit No. 9. And I'm
3 going to ask you if you can identify this
4 particular form -- this is the rights form?

5 A. Yes, sir, this is the standard or a copy
6 of the standard Montgomery Police Department's
7 rights form that was read to Mr. Minnifield.

8 Q. Okay. And is that what is commonly
9 called his miranda rights?

10 A. Yes, sir.

11 Q. And did you read those rights to
12 Mr. Minnifield?

13 A. Yes, sir, I did.

14 Q. And there is another -- I believe another
15 second paragraph on that form. What is that?

16 A. The second paragraph -- it's a paragraph
17 that we ask the defendant to read. And it more or
18 less states that he was not coerced or promised
19 anything or threatened in any manner to acknowledge
20 being -- acknowledge understanding his rights or to
21 answer questions or to give a statement.

22 Q. Okay. And was that read to
23 Mr. Minnifield or did Mr. Minnifield read that to
24 you?

25 A. He read it.

1 Q. And I believe all that you have
2 discussed, as far as the rights form that you said
3 you read to him, and his reading back of the waiver
4 there, is that contained on an audiocassette tape?

5 A. Yes, sir, it is.

6 Q. Okay. And I understand that there is a
7 signature placed on that form, is there not?

8 A. Yes, sir.

9 Q. And it's not signed?

10 A. Right. It's not signed.

11 Q. And do you know why?

12 A. Mr. Minnifield, no doubt, was asked to
13 sign it and along with his witness locator, which I
14 noticed was signed. And evidently, he, I would
15 imagine, forgot to sign. It was an oversight on my
16 part.

17 Q. But everything on that form was read to
18 Mr. Minnifield and he had an opportunity to observe
19 that form, correct?

20 A. Oh, yes, sir.

21 MR. BAILEY: Your Honor, at this
22 time, we would move to admit State's Exhibit No. 9.

23 THE COURT: Admitted.

24 (State's Exhibit No. 9 was admitted
25 into evidence.)

1 Q. Now, Detective Williams, I want to
2 briefly talk about the conversation you had with
3 Mr. Minnifield. Was that conversation recorded?

4 A. Yes, sir, it was.

5 Q. And how was it recorded?

6 A. I used a cassette tape to tape-record the
7 statement.

8 Q. I want to ask you real quick about some
9 of the things that were contained in the statement
10 that Mr. Minnifield gave you. Do you recall asking
11 Mr. Minnifield what he had with him on an incident
12 which allegedly occurred back on October the 30th
13 involving his wife?

14 A. Yes, sir.

15 Q. Okay. And do you remember what his
16 response was?

17 A. He informed me that he had a hatchet and
18 a knife.

19 Q. Okay. Did he describe what type of
20 knife?

21 A. He may have. I can't recall without
22 referring to the statement.

23 Q. That's fine. But he did tell you that he
24 had a hatchet and a knife?

25 A. Yes, sir.